IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 3585 of 2007(B)

PETITIONERS:

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1. K.C.JOSEPH,
S/O.K.CHACKO, AGED 24 YEARS, TRADESMAN (COMPUTER),
GOVERNMENT ENGINEERING COLLEGE, PAINAVU,
IDUKKI DISTRICT.

2. K.K.HARIKUMAR,
TRADESMAN, COMPOUTER ENGINEERING,
GOVERNMENT POLYTECHNIC, PURAPUZHA, IDUKKI DIST.

3. BINDU K. LAWRENCE,
TRADESMAN, COMPUTER ENGINEERING,
GOVERNMENT POLYTECHNIC, MUTTOM,
THODUPUZHA, IDUKKI DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF TECHNICAL EDUCATION
TRIVANDRUM.

3. THE PRINCIPAL,
GOVERNMENT ENGINEERING COLLEGE,
PAINAVU, IDUKKI DISTRICT.

4. THE PRINCIPAL,
GOVERNMENT POLYTECHNIC, PURAPUZHA,
IDUKKI DISTRICT.

5. THE PRINCIPAL,
GOVERNMENT POLYTECHNIC, MUTTOM,
THODUPUZHA, IDUKKI DISTRICT.

6. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
P.O.PATTOM PALACE, TRIVANDRUM.

R1 & R2 BY GOVERNMENT PLEADER (SHRI A. J. VARGHESE)
R6 BY ADV. SHRI P.C. SASIDHARAN, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 3585 OF 2007 B

Dated this the 8th February, 2007

JUDGMENT

Case of petitioners, in brief, is as follows:

They are qualified to be promoted as Trade Instructors. Their probation in the post of Tradesman has been declared. It is stated that only in the absence of candidates among Tradesman, direct recruitment can be resorted to, for filling up the post of Trade Instructor, and it is stated that petitioners may be promoted as Trade Instructors. It is submitted that instead, vacancies have been reported to the Public Service Commission.

2. A Counter Affidavit has been filed on behalf of second respondent, wherein it is, inter alia, stated as follows:

> *"It is submitted that as per the existing Rules, the first method of appointment of Trade Instructor is by promotion from the category of qualified Tradesman. In the absence of qualified hands for promotion by direct recruitment*

through the P.S.C. Is resorted to by the Department. It is submitted that as per the Special Rules, the petitioners are entitled to be considered against any vacancy that arises after declaration of their probation in the post of Tradesman.

4. Earlier, due to the non-availability of qualified hands for promotion as Trade Instructors, certain vacancies of Trade Instructors were reported to the PSC. But now, certain vacancies arose consequent on promotion and it is submitted that they will be filled up only by promotion from among the qualified hands of Tradesman in Computer. Hence it is prayed that this Honourable Court may be pleased to pass appropriate orders in this Writ Petition."

3. Accordingly, the Writ Petition is disposed of recording the statements contained in paragraphs 3 and 4 of the Counter Affidavit as stated above.

K. M. JOSEPH, JUDGE

kbk.